IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE JURISDICTION.

CRIMINAL APPLICATION NO. 4311 OF 2004
IN
CRIMINAL APPEAL NO. 1185 OF 2004.

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders

Mr. V.V. Tulpule with Mr. Kuldeep S. Patil for the applicants.

Mrs. P.H. Kantharia, A.P.P.for the State.

CORAM : V.G. PALSHIKAR &
ANOOP V. MOHTA, JJ.

DATE : 03.11.2004

P.C.

. By this application the applicants seeks release on bail pending this appeal challenged their conviction under Section 302 of Indian Penal Code. Affidavit in reply has been filed by the State and heavily reliance is placed on the evidence of P.W.

6 Akkatai, who is wife of the deceased and it is therefore, claimed that the accused are not entitled to be released on bail. A perusal of the statement made in para 2 of this petition discloses how the victim was beaten by the accused. P.W. 6 has very clearly stated that her husband was beaten with kicks and fist blows all over his body. Prima facie therefore, it is possible to doubt the correctness of the findings that the offence committed by the accused is liable to be penalised under Section 302 of I.P.C. This is however, is purely tentative expression of opinion for deciding the application, since the Supreme Court of India has now held that while granting or rejecting application for bail, a reasoned order should be passed.

We have therefore given our reasons as aforesaid only to support release on bail of the accused in these circumstances narrated above.

2. The accused be released on bail on their executing P.R. bond of Rs. 50,000/- each with two sureties in the like amount. The applicants after release on bail shall report to the concerned police station, once in every month preferably on 1st Monday.

[V.G. PALSHIKAR, J.]

(ANOOP V. MOHTA, J.]